

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY ROSENAU

Defendant.

No. CR06-157MJP

DEFENDANT'S PROPOSED  
NEUTRAL STATEMENT OF  
THE CASE

The Defendant, Henry Rosenau, by and through his counsel of record, Craig A. Platt, respectfully submits the following proposed neutral statement of the case:

The Federal Government of the United States of America has accused Henry Rosenau of being a part of a group of people who brought marijuana from Canada into the United States starting sometime in 2004 and continuing through September 21, 2005. The Federal Government claims this group placed marijuana into hockey bags and traveled across the border by helicopter. The Federal Government further alleges some members of the group loaded the marijuana onto helicopters in Canada. The Federal Government also alleges that other members of this group were in the United States. The Federal Government also claims that members of

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NEUTRAL STATEMENT/ROSENAU-1  
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1 this alleged group took the marijuana off of the helicopters and delivered it to other people.  
 2 Ultimately, the Federal Government claims that Henry Rosenau was a pilot who flew helicopters  
 3 with marijuana from Canada into the United States.  
 4

5 The fact that the Federal Government has accused Mr. Rosenau of this is insufficient for  
 6 a finding of guilt. Mr. Rosenau states that he is innocent and has entered a plea of not guilty.  
 7 Mr. Rosenau's plea of not guilty puts at issue every element of each crime charged. The Federal  
 8 Government is the plaintiff and has the burden of proving each element of every crime charged  
 9 beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt  
 10 exists. The defendant has no burden of proving that he is innocent.  
 11

12 Mr. Rosenau is presumed innocent. This presumption continues throughout the entire  
 13 trial unless during your deliberations you find that the Federal Government has overcome this  
 14 presumption by the evidence beyond any and all reasonable doubt.  
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16 A reasonable doubt is one for which a reason exists and may arise from the evidence or  
 17 lack of evidence. A reasonable doubt is such a doubt as would exist in the mind of a reasonable  
 18 person after fully, fairly, and carefully considering all of the evidence or lack of evidence.  
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20 Respectfully submitted this 18<sup>th</sup> day of April, 2012.  
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32 PLATT & BUESCHER

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CERTIFICATE OF SERVICE

I hereby certify that on 4/18/2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the plaintiff.

s/Jill Ogren  
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DEFENDANT'S PROPOSED  
NEUTRAL STATEMENT/ROSENAU-3  
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